

Authority: North York Community Council Item NY34.1,
as adopted by City of Toronto Council on July 19, 20, 21
and 22, 2022

CITY OF TORONTO

BY-LAW 984-2022

To amend former City of North York Zoning By-law 7625, as amended, with respect with lands municipally known in the year 2021 as 5950 Bathurst Street.

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions of such facilities, services or matters as are set out in the by-law; and

Whereas pursuant to Section 37 of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the former City of North York Zoning By-law 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner and the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are further amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.20-A of By-law 7625 of the former City of North York, as amended, is further amended by adding the following new subsection:

64.20-A (278) RM6 (278)

DEFINITIONS

- (a) For the purposes of this exception "car-share" shall mean the practice whereby a number of people share the use of one or more motor vehicles and such "car-share" motor vehicles are made available to at least the occupants of the building for short-term rental, including hourly rental.
- (b) For the purposes of this exception "car-share parking space" shall mean a parking space exclusively reserved and signed for a vehicle used only for "car-share" purposes.
- (c) For the purposes of this exception, "apartment house dwelling" shall mean a building containing five or more dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area.
- (d) For the purposes of this exception, "established grade" shall mean the Canadian Geodetic Datum Elevation of 186.70 metres.
- (e) For the purposes of this exception, "Existing Building" means the existing apartment house dwelling municipally known as 5950 Bathurst Street located on the lands in the year 2021 as shown on Schedule RM6(278) of By-law 984-2022, subject to alterations, additions and internal modifications that do not result in any additional gross floor area.
- (f) For the purposes of this exception, "floor space index" shall mean the value resulting from the gross floor area of a building, minus the excepted areas set out in (g) below, divided by the area of the lot.
- (g) For the purposes of this exception, "gross floor area" shall mean the total area of all floors in a building, above and below ground, measured from the exterior of the main wall of each floor level, but shall not include the following:
 - (i) parking, loading and bicycle parking below-ground;
 - (ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) indoor recreational amenity space required by this By-law;
 - (vi) elevator shafts;

- (vii) garbage shafts;
- (viii) mechanical penthouse; and
- (ix) exit stairwells in the building.
- (h) For the purposes of this exception, "lot" shall mean lands zoned RM6(278) as shown on Schedule 1 of By-law 984-2022.
- (i) For the purposes of this exception, "New Buildings" means the proposed apartment house dwelling and multiple attached dwelling on the lands as shown on Schedule RM6(278) of By-law 984-2022.
- (j) For the purposes of this exception, "recreational amenity area" shall mean an indoor or outdoor space on a lot that is communal and available to all occupants of a building on the lot for recreational or social activities.
- (k) For the purposes of this exception, "Type 'G' loading space" shall mean an area used for the loading or unloading of goods or commodities from a vehicle, with the following dimensions:
 - (i) minimum length of 13.0 metres;
 - (ii) minimum width of 4.0 metres; and
 - (iii) minimum vertical clearance of 6.1 metres.

PERMITTED USES

- (l) The following uses shall be permitted:
 - (i) Apartment House Dwelling;
 - (ii) Day Nursery; and
 - (iii) Multiple Attached Dwelling.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (m) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply.
- (n) The maximum permitted residential gross floor area of the New Buildings shall not exceed a total floor space index of 2.49.

- (o) The total gross floor area of located within the Existing Building shall not exceed the total gross floor area existing therein as of September 1, 2019.

DWELLING UNITS

- (p) A maximum of 260 dwelling units are permitted in the New Buildings, of which:
- (i) a minimum of 25 percent shall be two-bedroom dwelling units;
 - (ii) a minimum of 10 percent shall be three-bedroom dwelling units; and
 - (iii) any dwelling units with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above.
- (q) A maximum of 129 dwelling units are permitted in the Existing Building.

LANDSCAPING

- (r) The provisions of Section 15.8 (Landscaping) shall not apply.

LOT AREA

- (s) The provisions of Section 20-A.2.1 (Lot Area) shall not apply.

LOT COVERAGE

- (t) The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.
- (u) The permitted maximum lot coverage, as a percentage of the lot, shall be 45 percent.

FRONTAGE

- (v) The provisions of Section 20-A.2.3 (Lot Frontage) shall not apply.

RECREATIONAL AMENITY AREA

- (w) A minimum of 2.0 square metres of indoor recreational amenity area per dwelling unit in the New Buildings shall be provided.
- (x) A minimum of 2.0 square metres of outdoor recreational amenity area per dwelling unit in the New Buildings shall be provided.
- (y) The 3.0 metre wide strip of lands shown as "Trail Connection" on Schedule RM6(278) cannot be counted towards the achievement of the required outdoor recreational amenity area in (x).

- (z) The indoor and outdoor recreational amenity space provided in accordance with (w) and (x) above must be available and accessible to all residents on the lot, including residents of the Existing Building.

YARD SETBACKS

- (aa) The minimum yard setbacks for buildings and structures above ground shall be shown on Schedule RM6(278).
- (bb) Notwithstanding (aa) above, the following elements shall be permitted to project beyond the building envelope shown on Schedule RM6(278):
- (i) decks, porches, terraces, exterior stairs and stair enclosures, access ramps, elevating devices, lighting fixtures, and bicycle racks, by a maximum of 6.25 metres;
 - (ii) canopies, awnings and screens by a maximum of 3.0 metres;
 - (iii) balconies and guardrails, by a maximum of 2.0 metres;
 - (iv) balconies, by a maximum of 2.0 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast and cladding added to the exterior surface of the main wall of a building, by a maximum of 1.5 metres;
 - (vi) eaves, dormers, cornices, chimneys, vents, pipes, windowsills, stacks, by a maximum of 1.0 metres; and
 - (vii) fences, planters, and retaining walls.
- (cc) Notwithstanding (aa) and (bb) above, the minimum yard setbacks for parking structures and structures associated thereto above and below established grade shall be 0 metres from any given property line.

DISTANCE BETWEEN BUILDINGS

- (dd) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.

HEIGHT

- (ee) The provisions of Section 20-A.2.6 (Building Height) shall not apply.
- (ff) The building height shall not exceed the maximum building heights in storeys and in metres above established grade as shown on Schedule RM6(278).

- (gg) Notwithstanding (ff) above, the following elements shall be permitted to exceed the noted height limit on Schedule RM6(278):
- (i) parapets for a green roof and weather vanes may project above the height limits to a maximum of 1.5 metres;
 - (ii) antennae, flagpoles and satellite dishes may project above the height limits to a maximum of 5.0 metres;
 - (iii) equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents may project above the height limits to a maximum of 6.0 metres;
 - (iv) structures that enclose, screen or cover the equipment, structures and parts of a building listed in (iii) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of 6.0 metres;
 - (v) architectural features, parapets, elements and structures associated with a green roof, planters, bollards, fences, retaining walls, vents, landscaping features, guard rails, and divider screens on a balcony and/or terrace by a maximum of 2.5 metres;
 - (vi) building maintenance units and window washing equipment, by a maximum of 5.5 metres;
 - (vii) trellises, pergolas, lighting fixtures and unenclosed structures providing safety or wind protection to rooftop amenity space, by a maximum of 3.5 metres; and
 - (viii) additional equipment and structures not identified in (i) to (vii) above that existed above the height of the "Existing Building" as shown on Diagram 3 as of September 1, 2019.

PARKING

- (hh) Notwithstanding Section 6A(2), parking spaces shall be provided on the lot in accordance with the following:
- (i) 0.61 parking spaces per dwelling unit for residents;
 - (ii) 0.09 parking spaces per dwelling unit for residential visitors; and
 - (iii) 3 parking spaces for the Day Nursery use.
- (ii) Notwithstanding (hh) above, "car-share parking spaces" may replace parking spaces required for residents subject to the following:

- (i) a reduction of four (4) resident parking spaces will be permitted for each "car-share parking space" provided that the maximum reduction permitted be capped by the application of the following formula:
 - i. four (4) multiplied by (total number of dwelling units divided by 60), rounded down to the nearest whole number.

- (jj) Notwithstanding 6A(3), within the "Existing Building" a maximum of 20 parking spaces shall be subject to the following minimum dimensions:
 - (i) length – 5.6 metres;
 - (ii) height – 2.0 metres; and
 - (iii) width – 2.2 metres.

- (kk) If the total parking space requirement set out in (hh) above is 5 or more, clearly identified accessible parking spaces shall be provided on the lot, as follows:
 - (i) if the number of required parking spaces is less than 13, a minimum of 1 accessible parking space shall be provided;
 - (ii) if the number of required parking spaces is 13 to 100, a minimum of 1 accessible parking space for every 25 required parking spaces or part thereof; or
 - (iii) if the number of required parking spaces is more than 100, a minimum of 5 accessible parking spaces plus 1 accessible parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces.

- (ll) An accessible parking space required by (kk) above, shall be subject to the following minimum dimensions:
 - (i) length – 5.6 metres;
 - (ii) height – 2.1 metres;
 - (iii) width – 3.4 metres; and
 - (iv) a 1.5 metre wide accessible barrier free aisle or path is required along the entire length of one side of an accessible parking space and such aisle or path may be shared by 2 accessible parking spaces.

- (mm) Notwithstanding Section 6(A)5, a driveway within 4.5 metres of a lot line abutting a street, must have:
 - (i) a minimum width of 3.0 metres for each lane; and

- (ii) a maximum width of 6.0 metres.
- (nn) Notwithstanding Section 6(A)5, parking aisles leading to parking spaces within the "Existing Building" shall have a minimum width of 5.0 metres.

BICYCLE PARKING

- (oo) A minimum of 0.68 bicycle parking spaces per dwelling unit shall be provided for the use of residents.
- (pp) A minimum of 0.07 bicycle parking spaces per dwelling unit shall be provided for the use of visitors.

LOADING

- (qq) The provisions of Sections 6A(16)(a) and 6A(16)(b) for loading shall not apply.
- (rr) A minimum of one Type 'G' loading space shall be provided on the site.

DIVISION OF LANDS

- (ss) Notwithstanding any severance, partition or division of the lands shown on Schedule RM6(278), the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred

SECTION 37 AGREEMENT

- (tt) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
 - (uu) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (vv) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.
3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule RM6(278) attached to this By-law.
 4. Where the provisions of this By-law conflict with By-law 7625 of the former City of North York, the provisions of this By-law shall apply.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

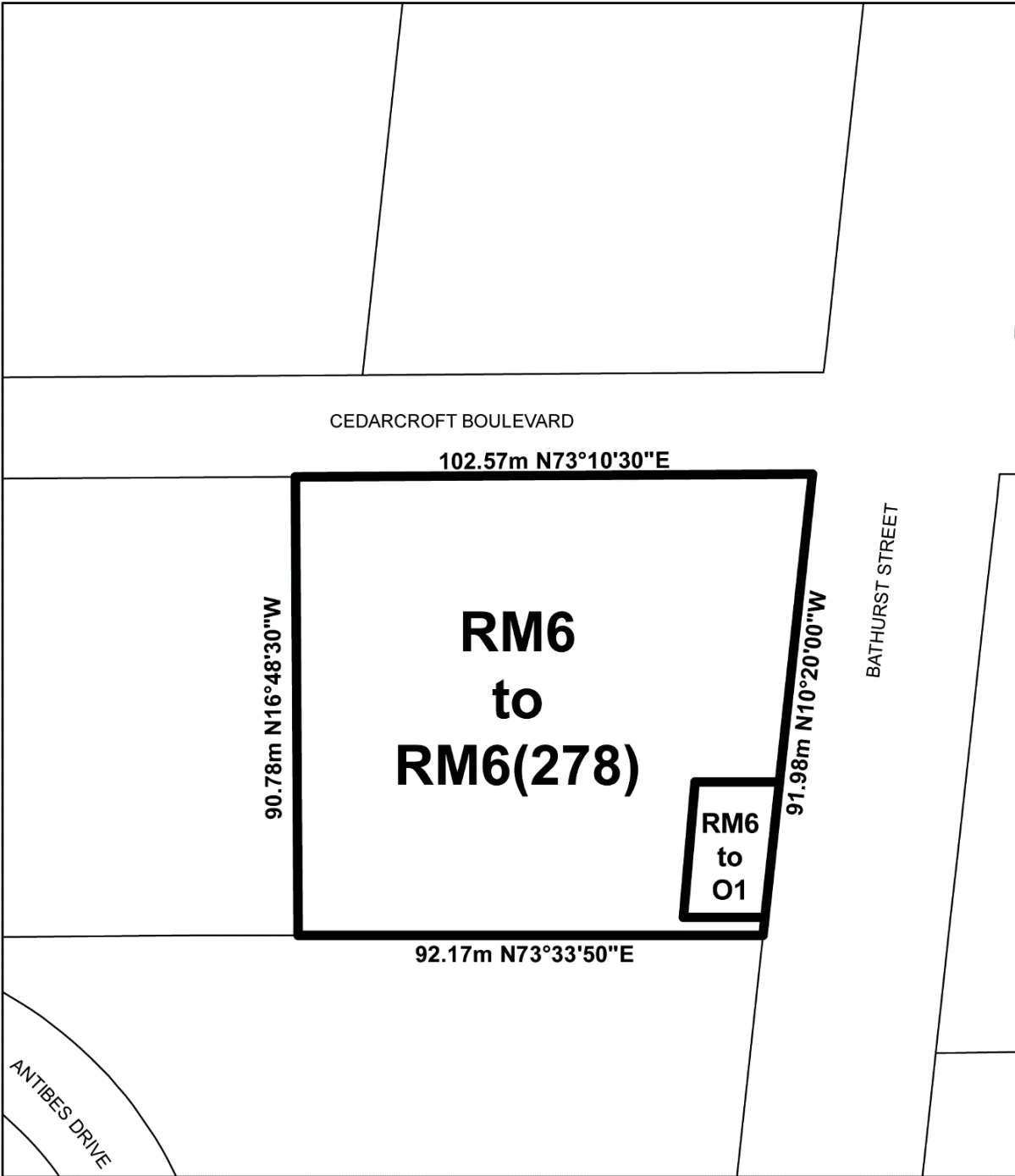
Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands, as shown in Schedule 1 to this By-law, and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to issuance of the first above-grade permit, the owner shall convey a three metre (3.0 metre) wide strip of land along the southern property boundary having an area of 276 square metres to the satisfaction of the General Manager of Transportation Services and the Chief Planner and Executive Director, City Planning.
2. Prior to issuance of the first above-grade permit, the owner shall pay to the City a cash contribution of Eight Hundred Thousand Dollars (\$800,000.00) (the "Cash Contribution") to the City to be allocated towards the construction of a Multi-Use Trail on the lands to be conveyed in Subsection 1, and capital community services and facilities in the vicinity of the lands to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
3. The cash contribution set out in Subsection 2 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.
4. In the event the Cash Contribution in Subsection 2 has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the Property.
5. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (A) the Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard (Version 3) and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the first submission of a Site Plan Control application;

- (B) The owner shall continue to provide and maintain the one hundred and twenty-nine (129) existing rental dwelling units on the lands at 5950 Bathurst Street as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least twenty (20) years commencing from the date that the Zoning By-law Amendments come into force and effect, with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (C) The owner shall provide tenants of the 129 existing rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development, including a provision of a new indoor pool, at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;
- (D) The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the fourteen (14) existing rental dwelling units proposed to be reconfigured at 5950 Bathurst Street, addressing the right to return to occupy one of the reconfigured rental dwelling units at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;
- (E) The owner shall provide, at its expense and at no cost to tenants, improvements to the existing rental housing, taking into account tenant feedback obtained through a tenant survey, to the satisfaction of, the Chief Planner and Executive Director, City Planning Division, as follows:
- (i) Prior to the issuance of Notice of Approval Conditions for site plan approval:
 - (a) Submit a Construction Mitigation Strategy and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (ii) Prior to the first above-grade building permit for any part of the development:
 - (a) Undertake accessibility improvements within the existing rental building at 5950 Bathurst Street, including push button automatic door openers for all common doors and a clothes folding table which is universally accessible within the laundry room;
 - (b) Provide upgrades to the laundry room in the existing rental building at 5950 Bathurst Street;

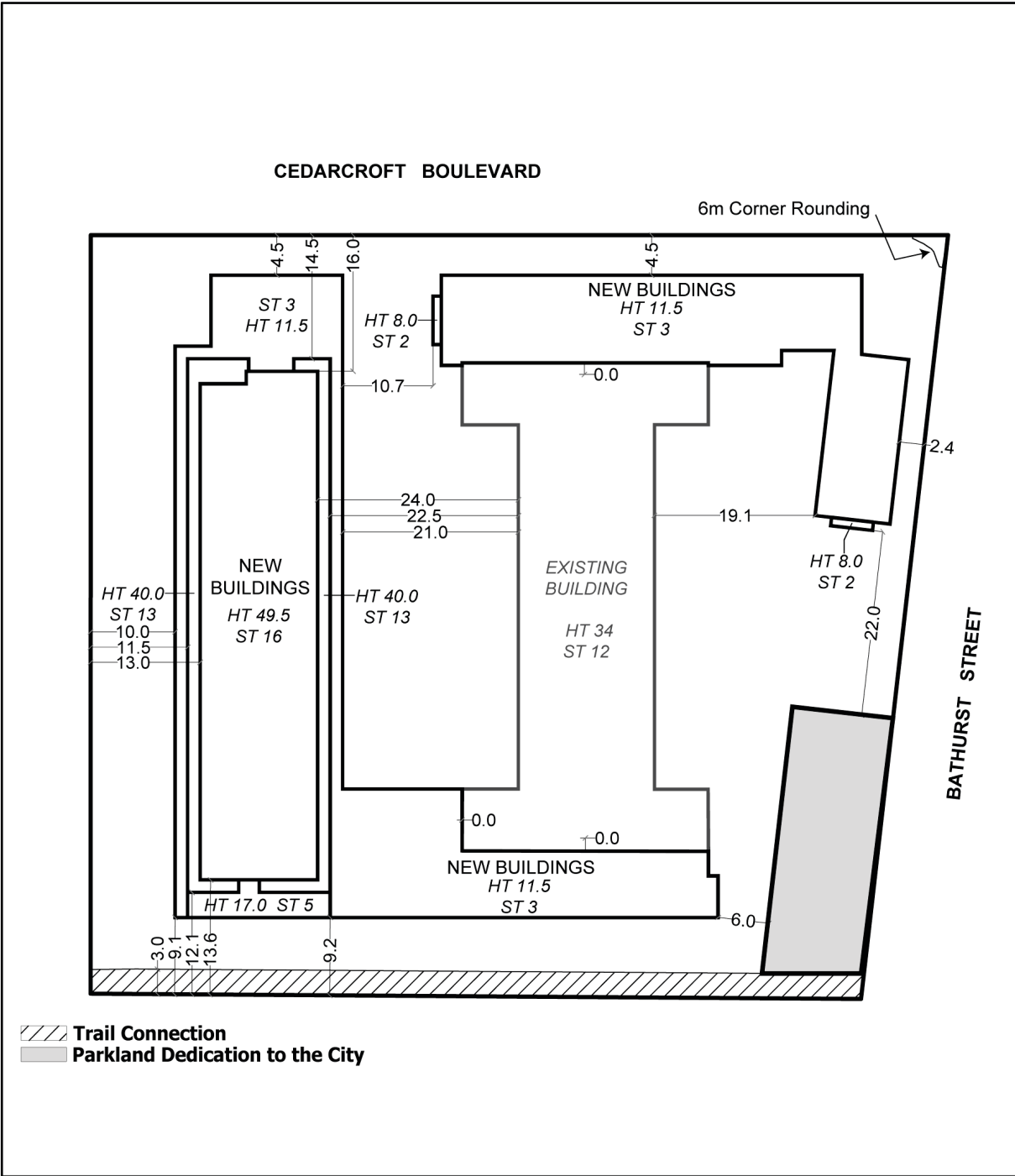
- (iii) Prior to first occupancy of any new residential units in the development:
 - (a) Provide a consolidated waste management facilities in the new residential building, including indoor storage of garbage, recycling and composting;
 - (b) Provide tenant bicycle parking within the proposed development;
- (F) The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation and Tenant Communication Plan required in Recommendations 6.a through c. shall not be passed on to tenants of the existing building in any form. For clarity, the owner agrees it shall not apply to the Landlord and Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements;
- (G) The owner shall provide a minimum of ten-percent of all new units in the proposed 16-storey building as three-bedroom units; and
- (H) The owner shall provide a minimum of twenty-five-percent of all new units in the proposed 16-storey building as two-bedroom units.



 **Toronto**
Schedule 1

5950 Bathurst Street

File #: 19 229837 NNY 06 0Z



 **TORONTO**
Schedule RM6(278)

5950 Bathurst Street

File #: 19 229837 NNY 06 0Z